

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	CASE NO. 8:11CR149
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
ROBERT E. COVER,)	
)	
Defendant.)	

This matter is before the Court on the Defendant's motion to Exclude Prior Conviction (Filing No. 33).

Defendant makes an argument regarding the inclusion of a prior conviction in his criminal history as part of his sentencing guideline calculation. There has been no conviction in this case, and the argument is premature. If Defendant is convicted, he may raise this argument, if necessary, as an objection in accordance with the Order on Sentencing Schedule.

IT IS ORDERED that the Defendant's motion to Exclude Prior Conviction (Filing No. 33) is denied.

DATED this 26th day of September, 2011.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge